



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,417	11/08/2001	Steven P. Jobs	04860.P2667	3803

7590

06/11/2003

James C. Scheller
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

EDWARDS, ANTHONY Q

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,417

Applicant(s)

JOBS ET AL.

Examiner

Anthony Q. Edwards

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-200 is/are pending in the application.
- 4a) Of the above claim(s) 1-177 and 189-196 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 178-188 and 197-200 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 8 & 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Claims 1-177 and 189-196 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 178 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,430,038 to Helot et al. Helot et al. disclose a computer controlled display system (20); see figs. 8 and 9, comprising a flat panel display (28), which inherently includes both a display surface and an input for receiving display data to be displayed on said display surface. Helot et al. also disclose a moveable assembly (36) coupled mechanically to said flat panel display, said moveable assembly having a cross-sectional area which is substantially less than an area of said display surface, said moveable assembly being moveable to allow said flat panel display to be selectively positioned in space relative to a user of said computer controlled display system, as well as a base (24) coupled mechanically to said moveable assembly and to said flat panel display through said moveable assembly. See column 3, lines 26-49.

Art Unit: 2835

Likewise, Helot et al. inherently disclose the base housing computer components, comprising a microprocessor, a memory, a bus, an I/O (input/output) controller, and an I/O port, wherein said microprocessor is coupled to said input of said flat panel display. See column 1, lines 16-19.

Furthermore, Helot et al. disclose providing a counter-balancing spring assembly within the moveable assembly 36, wherein the spring assembly inherently includes a proximal end (i.e., adjacent display 28), coupled with a biscuit (i.e., hinge (not shown) within back surface 32) of a display mounting assembly and a distal end (i.e., adjacent base 24), coupled with a biscuit (i.e., hinge of a base rotation assembly (26)). See figs. 8-10 and the corresponding specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 179-188 and 197-200 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot et al., in view of U.S. Patent No. 4,682,749 to Strater. Referring to claim 179, Helot et al. disclose the claimed computer controlled display system, except for a compression link housed within the moveable assembly.

Strater teaches providing a counter-balancing spring assembly, including a compression link (15/16) housed within a moveable assembly (2), said compression link having a proximal

end coupled with a biscuit (7) of a display mounting assembly (3) and a distal end coupled with a biscuit (10) of a base rotation assembly (1). See fig. 1 and the corresponding specification.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer controlled display system of Helot et al. to include the moveable assembly with counter-balancing spring assembly, including a compression link as taught by Strator, to allow for an increased range of motion of the display and to reduce the application force needed to adjust the display of Helot et al.

Referring to claim 180, Helot et al. in view of Strater disclose a computer controlled display system, wherein the moveable assembly is assembled from channel shaped bars or shells. See column 5, lines 17 and 18 of Strater.

Helot et al. in view of Strater lacks a first canoe (i.e., a first case-half of a tubular-shaped housing) having a proximal end and a distal end coupled with a corresponding second canoe (i.e., a second case-half of a tubular-shaped housing) having a proximal end and distal end.

It is well known, however, to make elements separable where needed (see MPEP 2144.04; *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961)). As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the housing shell of the moveable assembly, disclosed in Helot et al. in view of Strater, separable to provide accessibility to the spring assembly within the housing for repair or replacement of parts.

Referring to claim 181, Helot et al. in view of Strater disclose a computer controlled display system, wherein the spring assembly further comprises a spring core (27) having a proximal end, a distal end, a top surface, a bottom surface, and side surfaces, the spring core

Art Unit: 2835

having a pair of channels running longitudinally along its side surfaces (see figs. 2-4 of Strater) and having an annular flange (see col. 6, lines 32-35) formed at said proximal end to mate with a first end of a spring, wherein the spring core is slidably disposed within an interior of the spring.

Furthermore, Helot et al. in view of Strater disclose a pair of spring struts (23) having corresponding proximal ends (adjacent element 21) and distal ends (adjacent element 24), said proximal ends each containing a bore (not numbered) there through, and bowed outward to form a pair of forked members defining a channel therebetween (see fig. 2 of Stater), said distal ends each having an outwardly flared portion (see col. 6, lines 32-35) to mate with a second end of the spring, wherein the pair of spring struts is disposed within said corresponding pair of channels; and a corresponding pair of glide bearings (21) coupled with said pair of spring struts. See figs. 2-4 and the corresponding specification.

Referring to claim 182, Helot et al. in view of Strater disclose a computer controlled display system, wherein said cross-sectional area is defined by a cross-section taken perpendicularly to a longitudinal dimension of the moveable assembly. See figs. 8-12 of Helot et al.

Furthermore, although Helot et al. in view of Strater does not specifically disclose the base of the computer housing an optical drive and a network interface, Examiner takes Official Notice that it is well known in the art of stand alone computers to include an optical drive to utilize CD-ROM accessible software, and to include a network interface to allow the computer to communicate with other computers to form a network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include such components as a means of maximizing the usability of the computer.

Referring to claims 183 and 185, Helot et al. in view of Strater disclose a computer controlled display system, wherein said system is moveable as a unit by one person unaided by any assistance, and wherein said base is not fixedly secured to a supporting surface under said base. See column 1, under the section "Background," which discloses that the device is portable and implicitly discloses that one person can move the device unaided by any assistance.

Referring to claim 184, Helot et al. in view of Strater inherently disclose a computer controlled display system, further comprising a data cable coupled to said input of said flat panel display at a first end of said data cable and coupled to a display controller housed within said base, said data cable being disposed within said moveable assembly.

Referring to claims 186-188, Helot et al. in view of Strater disclose a computer controlled display system as claimed, except for the base having a toroidal shape, a square shape, or a pyramidal shape.

It is well known; however, to change the shape or configuration of a device as a matter of choice (see MPEP 2144.04; *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)). It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to change the shape of the base of the system, disclosed in Helot et al. in view of Strater, for marketing purposes.

Referring to claims 197-199, Helot et al. in view of Strater implicitly disclose a computer controlled display system, wherein (1) said counter-balancing spring assembly supports a weight of said flat panel display such that said flat panel display feels substantially weightless when moved; (2) wherein a potential energy stored in said counter-balancing spring assembly is released to provide an ease of movement for said flat panel display; and (3) wherein a

Art Unit: 2835

compression of said counter-balancing spring assembly stores energy that may be used to assist a user to move said flat panel display. See column 2, lines 10-14 of Strater.

Referring to claim 200, Helot et al. in view of Strater implicitly disclose a computer controlled display system, wherein said counter-balancing spring assembly (2) is adjustable to control an amount of stored energy for supporting a range of flat panel display weights. See column 5, lines 14-27 of Strater.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,706,920 to Ojima et al. disclose a spring assembly within a television stand; U.S. Patent No. 4,834,329 to Delapp discloses a moveable assembly for a monitor support; U.S. Patent Application Publication No. US2003/0021083 to Landry et al. disclose an articulated moveable assembly mechanism for a portable computer; and U.S. Patent Application Publication No. US2003/0007321 to Dayley discloses modular, stackable components of computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 703-605-4214. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 306-5511 for After Final communications.

Application/Control Number: 10/035,417

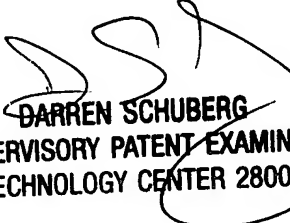
Page 8

Art Unit: 2835

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-9929.

aqe

June 4, 2003


DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800